

by cities since the enactment of Chapter 147, page 307, of the Acts of the Regular Session of the Thirty-third Legislature, said cities, according to the 1910 United States census, having a population of less than five thousand inhabitants, but which had at the time of the adoption of said charter or act of incorporation a population in excess of five thousand; and declaring an emergency."

H. B. No. 175, "An Act readjusting the common school districts and county line common school districts in Lubbock county, Texas, against which outstanding bond issues are now in force, changing boundary lines of said districts, etc., and declaring an emergency."

H. B. No. 177, "An Act changing the boundaries of Common School Districts Nos. 3 and 14 and Slaton Independent School District in Lubbock county, Texas, and transferring a portion of the territory now embraced in Union Common School District No. 3 to Slaton Independent School District, etc., and declaring an emergency."

H. B. No. 161, "An Act to amend Chapter 32, Article 6196 of the General Laws, passed at the First Called Session of the Thirty-fifth Legislature, 1917, page 49, regulating the management and control of the penitentiary system and regulating and fixing of salaries of penitentiary guards, and declaring an emergency."

H. B. No. 138, "An Act providing that those engaged in any business within this State, upon which the laws require the payment of a tax on gross receipts, must obtain a permit to transact such business from the Secretary of State; providing for the issuance of such permit by the Secretary of State what the same shall contain, and that the same shall be posted in the office of the person or concern to whom issued; providing for an application to be made for such permits, and what such application shall show; the length of time such permits are to run and when those now engaged in business must obtain permits; providing for the suspension of such permits by the Secretary of State on a certificate from the Comptroller showing the holder has failed to pay his gross receipts taxes; stating the conditions, manner and method of suspending such permits and the publication of notices with reference thereto; providing penalties for the transaction of business regulated in this act without having obtained a permit, or transacting business after such permit has been

suspended and the method of collecting such penalties; authorizing suit by the Attorney General to collect such penalties, and defining the jurisdiction and venue of such suits; creating offenses for violations of this act and fixing the punishment therefor; prescribing certain duties and conferring certain authority on the Comptroller, Secretary of State and the Attorney General with reference to administering and enforcing this act; making this act cumulative of all other laws on the subject, and declaring an emergency."

H. B. No. 148, "An Act creating a more efficient road system for Chambers county, etc., and declaring an emergency."

H. B. No. 176, "An Act changing the boundaries of Lubbock Independent School District and Canyon Common School District No. 11 and New Hope Common School District No. 20 in Lubbock county, Texas, transferring to Canyon Common School District No. 11 a portion of the territory now embraced in Lubbock Independent School District, and providing the Canyon Common School District No. 11 shall assume the portion of the bonded indebtedness of Lubbock Independent School District, etc., and declaring an emergency."

RECESS.

Mr. Parks moved that the House recess until 9:30 o'clock a. m. tomorrow.

Mr. Hardey moved that the House recess until 10 o'clock a. m. tomorrow.

The motion of Mr. Parks prevailed, and the House accordingly, at 6:20 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

TWENTY-THIRD DAY.

(Continued.)

(Tuesday, March 26, 1918.)

The House met at 9:30 o'clock a. m. and was called to order by the Speaker.

RELATING TO ILLNESS OF MR. LEE.

Mr. Bertram offered the following resolution:

Whereas, Mr. Lee is still seriously ill and growing worse;

Resolved, That the Speaker appoint a committee of three to visit him and ascertain if they can do him any good.

Signed—Bertram, Bedell.

The resolution was read second time and was adopted.

In accordance with above action, the Speaker announced the appointment of the following committee:

Messrs. Bertram, Bedell and Parks.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 25, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted Free Conference Committee report on House bill No. 52.

Has adopted House Concurrent Resolution No. 9, Relating to the penitentiary at Rusk.

Has passed

H. B. No. 109, A bill to be entitled "An Act providing that all candidates for nominations to office in primary elections shall have their campaign expenses limited; providing for reports from all candidates as to selections of their campaign committees; designating the persons who may make disbursements for such candidates, and defining the purposes for which disbursements may be made; providing for reports of all receipts, disbursements and financial obligations made in the interest of such campaigns by candidates and their campaign committees, and to whom such reports are to be made, and prescribing the nature of the same; providing that the name of no candidate shall be printed upon the official ballot who fails to make such reports; specifying amounts of money candidates and their campaign committees may spend in their campaigns for nomination to office; defining violations of this act, and prescribing penalties therefor; repealing all laws in conflict herewith, and declaring an emergency," with amendments.

Respectfully,

J. B. BENNETT,

Assistant Secretary of the Senate.

HOUSE BILL NO. 109 WITH SENATE AMENDMENTS.

Mr. Fly called up for consideration at this time, with Senate amendments,

H. B. No. 109, A bill to be entitled "An Act providing for reports of receipts and disbursements by candidates and their campaign committees in primary elections; limiting their expenses and specifying purposes for which such disbursements may be made; defining violations of this act, and providing penalties therefor; repealing all laws in

conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Fly, the House concurred in the Senate amendments.

Mr. Fly moved to reconsider the vote by which the House concurred in the Senate amendments and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Bledsoe in the chair.)

INVITATION TO VISIT FORT WORTH.

Mr. Carlock offered the following resolution:

Whereas, On April 4, 1918, there will be held at Fort Worth a grand review of the thirty-sixth division, composed of Texas and Oklahoma troops, which will afford one of the greatest military spectacles ever offered to the people of the State of Texas, and will be reviewed by the Governors of Texas and Oklahoma; and

Whereas, This notable event will afford a splendid opportunity for the members of the Legislature to foregather on that date with the good people of Fort Worth and the multitudes there assembled and the brave boys in khaki, who are fitting themselves for service abroad, and who will soon leave for the front; now, therefore, be it

Resolved, The undersigned Representatives of Tarrant county do hereby extend a most cordal invitation to the membership of the Thirty-fifth Legislature to attend said review in a body, or in any event that as many of them as can conveniently do so arrange to be present on said occasion, and to this end the hospitality of the city of Fort Worth is most graciously extended to them.

Signed—Carlock, Valentine, Burton and Walker, Representatives from Tarrant county.

The resolution was read second time and was adopted.

THANKING NEWSPAPER REPORTERS.

Mr. Murrell offered the following resolution:

Whereas, The newspaper correspondents of the different leading newspapers of the State have reported so correctly the proceedings of this Called Session; therefore, be it

Resolved, That this House tender them our sincere thanks.

Signed—Murrell, Yantis.

The resolution was read second time and was adopted.

(Speaker in the chair.)

INVITING HON. F. H. GIDDINGS TO ADDRESS THE LEGISLATURE.

Mr. Mendell moved that the House extend an invitation to Hon. Franklin H. Giddings of the Columbia University and of the National Security League to address the Legislature in joint session at the conclusion of the address by Governor Hobby.

The motion prevailed.

ADDRESS BY GOVERNOR HOBBY.

(In Joint Session.)

In accordance with the provisions of House Concurrent Resolution No. 12, inviting Governor Hobby to address the Legislature in joint session, the Governor and the Senate, at 11 o'clock a. m., were announced at the bar of the House, and being admitted, Governor Hobby and Lieutenant Governor Decherd were escorted by the committee, heretofore appointed, to the Speaker's stand and the Senators were escorted to seats along the aisle, already prepared for them.

Lieutenant Governor Decherd, on part of the Senate, called the Senate to order, and Speaker Fuller, on part of the House, called the House to order.

Lieutenant Governor Decherd then presented Senator Collins, who introduced Governor Hobby.

Governor Hobby then addressed the Legislature and the assemblage.

Speaker Fuller then introduced Hon. Franklin H. Giddings of Columbia University and also of the National Security League, who also addressed the Legislature.

SENATE RETIRES.

On motion of Senator Westbrook, the Senate at 12 o'clock m., retired to its chamber.

On motion of Mr. Mendell, by unanimous consent, the House, at 12 o'clock m., agreed to stand at ease until 2 o'clock p. m. today.

The House was called to order at 2 o'clock p. m. by the Speaker.

SENATE BILL NO. 106 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 106, A bill to be entitled "An Act to prohibit any person other than the lawful owner, or owners, to use, traffic in, purchase, sell, convert, mutilate or destroy, or refuse to return to such owner any milk cans, milk bottles, milk jars, butter boxes, ice cream cans, or ice cream tubs branded or stamped by, or bearing the private mark of such owner."

The bill was read third time and was passed.

SENATE BILL NO. 88 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 88; A bill to be entitled "An Act to repeal Articles 7074, 7366, 7367, 7368 and 7392 of the Revised Civil Statutes of the State of Texas, 1911, creating the office of State Revenue Agent and defining his powers and duties, repealing the appropriation for said State Revenue Agent, the bill to become effective January 15, 1919, and declaring an emergency."

The bill was read third time and was passed.

Mr. Sackett moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 80 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 80, A bill to be entitled "An Act to validate sales of school land on condition of settlement in cases where purchasers have been, or may be, drafted into the services of the Federal government before they had time to settle on the land, and in some cases where they did not comply with the law relative to settlement, but have been, or may hereafter be forced to leave the land to make a support for themselves and for their families, or have been, or may be, drafted into the service of the Federal government before completing the required residence, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 98 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 98, A bill to be entitled "An Act to amend Chapter 27 of the General Laws of the Thirty-second Legislature of the State of Texas, entitled 'An Act to provide additional compensation to all judges of the district courts, district attorneys of the State of Texas, and to the judge of the Criminal District Court of Harris and Galveston counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence,' so as to increase the maximum sum which may be paid to any district judge or district attorney in any one year from the sum of two hundred (\$200) dollars to four hundred (\$400) dollars, and declaring an emergency."

The bill was read second time.

The House refused to pass the bill to a third reading.

Mr. Butler moved to reconsider the vote by which the House refused to pass the bill to a third reading and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 103 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 103, A bill to be entitled "An Act to amend Article 3903, Chapter 4 of the Revised Civil Statutes of 1911, of the State of Texas, and as amended by Chapter 142 of the Regular Session of the Thirty-third Legislature, and as amended by Chapter 55 of the Regular Session of the Thirty-fifth Legislature, relating to the appointment of certain officers named in Articles 3881 to 3886 of the Revised Civil Statutes, of deputies or assistants in the performance of the duties of such officers, where such assistants or deputies are necessary for the efficiency of the public service, etc., and declaring an emergency."

The bill was read third time.

The House refused to pass the bill.

RECESS.

On motion of Mr. Cope, the House, at 2:10 o'clock p. m., took recess to 4 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 4 o'clock p. m. and was called to order by the Speaker.
(Mr. Blackmon in the chair.)

RELATING TO ILLNESS OF HON. J. B. LEE.

Mr. Bertram submitted the following report of the committee to visit Hon. J. B. Lee, which was read to the House:

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your committee appointed to visit Representative Lee of Wood county, who has been sick for some time, and is now in the City Sanitarium in Austin, beg to make the following report:

On investigation we found that Mr. Lee is dangerously sick and from the report of the doctors is not likely to recover; therefore, be it

Resolved, That his actual expenses while at the sanitarium be paid out of the contingent expense fund.

Signed—Bertram, Bedell, Parks.

On motion of Mr. Bertram the report was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 26, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 111, A bill to be entitled "An Act to amend Article 3096 of the Revised Civil Statutes of Texas, adopted in 1911, so as to read as follows: 'Article 3096. Ballot, primary, no symbol, etc., on except, etc.; ballot without test not counted, etc.' with amendments.

H. B. No. 99, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making additional appropriations for the support of the State government for the fiscal year ending August 31, 1918, and August 31, 1919, and declaring an emergency," with amendments.

H. B. No. 130, A bill to be entitled "An Act to amend Article 3944 of the Revised Statutes of the State of Texas, 1911, as amended by an Act passed at the Regular Session of the Thirty-fifth Legislature, approved March 30, 1917, being Chapter 154 of the acts of said session relating to forcible entry and detainer and to the issuance of citation and the service thereof and the giving of bond by plaintiffs and defendants in suits of that character; providing, that in case the plaintiff shall file a bond in an

amount to be fixed by the justice of the peace issuing such citation, he shall be placed in possession of the property unless the defendant shall within six days from the service of citation execute and deliver to the officer serving such citation a bond in a sum at least double the amount of the bond given by the plaintiff, to be approved by said officer, and conditioned that the defendant, in case judgment is rendered against him will pay all costs of suit and a reasonable rental or value of the use of the property to the time of making such bond, and also the reasonable value or rental of same while the suit is pending and until it is finally disposed of, and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act providing for the redemption by the owner of land or lots heretofore sold, or that may be thereafter sold, to the State, city or town for taxes, and repealing all laws in conflict with this act, and declaring an emergency."

H. B. No. 113, A bill to be entitled "An Act to authorize the commissioners court to purchase poisons and other accessories for the purpose of destroying prairie dogs, rats, coyotes, wolves, wild cats, gophers, ground squirrels, English sparrows and ravens; giving the commissioners court the authority to sell at cost or give such poisons to all persons residing in the county, to be used for such purposes, and providing procedure for the distribution and use of such poisons, and creating an emergency," with amendments.

Respectfully,
J. B. BENNETT,

Assistant Secretary of the Senate.

HOUSE BILL NO. 99 WITH SENATE AMENDMENTS.

Mr. Mendell called up for consideration, at this time, with Senate amendments,

H. B. No. 99, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making additional appropriations for the support of the State Government, for the fiscal year ending August 31, 1918, and August 15, 1919, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Johnson of Ellis moved that the House do not concur in the Senate amendments and that a Free Conference Com-

mittee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House:

Messrs. Mendell, Johnson of Ellis, Metcalfe, Williams of Brazoria and Blésoe.

HOUSE BILL NO. 113 WITH SENATE AMENDMENTS.

Mr. Blackmon called up for consideration at this time, with Senate amendments,

H. B. No. 113, A bill to be entitled "An Act to authorize the commissioners court to purchase poisons and other accessories for the purpose of destroying prairie dogs, rats, coyotes, wolves, wild cats, gophers, ground squirrels, English sparrows and ravens; giving the commissioners court the authority to sell at cost or give such poisons to all persons residing in the county, to be used for such purposes, and providing procedure for the distribution and use of such poisons, and creating an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Blackmon, the House concurred in the Senate amendments.

HOUSE BILL NO. 111, WITH SENATE AMENDMENTS.

Mr. Haidusek called up for consideration at this time, with Senate amendments,

H. B. No. 111, A bill to be entitled "An Act to amend Article 3096 of the Revised Civil Statutes of Texas, adopted in 1911, so as to read as follows: Article 3096. Ballot, primary, no symbol, etc., on except, etc.; ballot without test not counted, etc."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Haidusek, the House concurred in the Senate amendments.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 26, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 11, Providing for sine die adjournment of the Fourth Called Session of the Thirty-fifth Legislature on Wednesday, March 27, at 12 o'clock noon.

Has passed

H. B. No. 182, A bill to be entitled "An Act making it the duty of the sheriffs, constables and their deputies, the policemen and all other peace officers of the State to assist the officers of the United States whose duty it is to enforce the provisions of an act of Congress entitled 'An Act to prohibit the manufacture, distribution, storage, use and possession in time of war of explosives, providing regulations for the sale, manufacture, distribution, storage, use and possession of the same, and for other purposes; and making it the duty of said peace officers to report to the proper officers of the United States any fact or circumstances showing or indicating a violation of said act; providing a punishment for the failure of any such peace officer to discharge the duties imposed by the provisions of this act; providing change of venue, and declaring an emergency.'"

The Senate grants the request of the House for a Free Conference Committee on House bill No. 99. The following have been elected on the part of the Senate: Dean, Caldwell, Page, Johnston of Harris and Suiter.

Respectfully,

J. B. BENNETT,

Assistant Secretary of the Senate.

OPINION OF ATTORNEY GENERAL.

The Speaker handed to the Clerk and had read to the House the following opinion of the Attorney General:

Attorney General's Department,
Austin, Texas, March 26, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives, Capitol.

Dear Sir: I am in receipt of yours of the 26th instant, reading as follows:

"Some time after the Regular Session of the Thirty-fifth Legislature, Hon. I. T. Valentine, a member of the House, was appointed as judge of the court at Fort Worth, in Tarrant county, Texas. I am informed that Mr. Valentine qualified by taking the oath, etc., and entered upon the duties of his office as judge of said court, accepting fees, etc.

"I am informed that he tendered his resignation as a member of the House of Representatives to Governor Jas. E.

Ferguson, but the resignation is not a matter of record in the Secretary of State's office, and it may be that he did not so tender his resignation as a member of the House.

"Some time during last fall the higher court held that the office to which Mr. Valentine had been appointed was unconstitutional, etc.

"Mr. Valentine was not in attendance at the Second and Third Called Sessions of the Thirty-fifth Legislature and has not been in attendance upon the Fourth Called Session until yesterday. He arrived on yesterday and now demands the per diem for the full thirty days of the Fourth Called Session, as well as his mileage.

"Please advise me as follows:

"First. If a member of the Legislature is appointed to any other office and said office is afterward declared unconstitutional and of no force and effect, does such member of the Legislature vacate his office as a member of the Legislature in accepting and qualifying under such appointment?

"Second. Under the facts as stated above with reference to Mr. Valentine, shall I execute warrant in his favor for the mileage and per diem of the Fourth Called Session of the Thirty-fifth Legislature?"

The question you present is whether or not, under the facts stated, Mr. Valentine has abandoned the office of Representative. This is a question of fact, and not of law. There are certain rules of law, however, that may be stated as guides to the correct determination of the matter.

It is a well recognized principle of law that where a person holding one office accepts and qualifies to another, he thereby vacates the former. Our Supreme Court stated this rule, in the case of State vs. Brinkerhoff, 66 Texas, 47, as follows:

"The public has a right to know which is held and which is surrendered. It should not be left to chance, or to the uncertain whim of the officeholder to determine. The general rule, therefore, that the acceptance of, and qualification for, an office incompatible with one then held is a resignation of the former, is one certain and reliable, as well as one indispensable for the protection of the public."

If the law under which Mr. Valentine accepted the position of county judge had not been unconstitutional, we would have no trouble in determining the question presented, because, as a matter of

law, his acceptance of the judgeship would ipso facto have vacated the office of Representative.

We may assume that Mr. Valentine accepted the position of judge under the belief that he could legally do so, although he is charged with the knowledge that the act was unconstitutional.

We come back, therefore, to the question whether, under the facts stated, that is to say, the assumption of the judgeship to which he was appointed, the discharge of its duties, the enjoyment of its emoluments, his formal resignation to the Governor (if in fact one was tendered), his failure to attend and discharge public duties as representative during the Second and Third Called Sessions of the Legislature, and his failure to attend and discharge public duties at this the Fourth Special Session until Monday, March 25th, when he appeared and demanded mileage and per diem for the full thirty days of the session, whether these facts constitute an abandonment of the office.

It is not necessary, in order to constitute a vacancy, for a formal resignation to have been tendered. This is one method of vacating an office, but a vacancy may occur or an abandonment may be shown by other evidence.

A public office is held upon condition that the officer will diligently and faithfully execute his duties as such; this is due the public. A temporary or an accidental failure to perform the duties of an office might not justify a finding that the same had been abandoned, yet such failure from whatever cause or motive for such a length of time as to reasonably justify the belief that the officer either does desire or does not intend to discharge his official duties would justify a finding that the office had been abandoned.

The doctrine announced by Meachum, Section 435, is as follows:

"Public offices are held upon the implied condition that the officer will diligently and faithfully execute the duties belonging to them, and while a temporary or accidental failure to perform them in a single instance or during a short period will not operate as an abandonment, yet if the officer refuses or neglects to exercise the functions of the office for so long a period as to reasonably warrant the presumption that he does not desire or intend to perform the duties of the office at all, he will be held to have abandoned it, not only when his refusal to perform was wilful, but also where, while he intended

to vacate the office, it was because he in good faith but mistakenly supposed he had no right to hold it."

To the same effect I quote from Mr. Throop, Section 420, as follows:

"In order that an officer's conduct, which takes the shape of non-user, should amount to an actual vacation, although without express renunciation of his office, the non-user must be total and complete and of such continuance as to indicate clearly a total relinquishment. And where an officer of the United States, after being informed that the President intends to vacate the office, is suspended under U. S. R. S., Section 1768, and does not, upon the adjournment of the Senate, seek to recover the office, nor tender his service, nor demand the salary, his conduct evinces an intention to abandon the office, and is equivalent to a resignation. So the voluntary enlistment of a civil officer, in the military service of the United States, for three years or during the war, has been regarded as an abandonment or implied resignation of his office, so as to create a vacancy in the same."

The rule of law applicable to the case stated in your inquiry, I believe, is succinctly stated in the quotations just given from the text-writers, but your question at last is one of fact for the determination of the House, guided in its judgment by the rule just quoted.

Whether or not Mr. Valentine is a qualified member of the House is a question within the exclusive jurisdiction of the House.

The Constitution, Section 8, Article 3, reads as follows:

"Each House shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law."

In my opinion, your authority to execute a warrant in favor of Mr. Valentine for mileage and per diem depends upon the decision of the House as to whether or not he is yet, in view of the facts stated, a qualified member of the House.

Yours very truly,
B. F. LOONEY,
Attorney General.

This opinion has been passed upon, approved by this department, and is now recorded.

B. F. LOONEY,
Attorney General.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House today, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 173, "An Act changing the boundaries of Abernathy Independent School District, situated in Hale and Lubbock counties, Texas, etc., and declaring an emergency."

H. B. No. 27, "An Act to amend Articles 475 and 476 of the Penal Code of the State of Texas, prohibiting the carrying of any pistol, dirk, dagger, sling shot, sword cane, or knuckles made of any material or any hard substance, bowie knife, or any other knife manufactured or sold for purposes of offense or defense; prescribing a punishment therefor; making exceptions thereto in favor of certain officers, and declaring an emergency."

S. B. No. 114, "An Act regulating the taxing of all money and securities deposited with the State Treasurer, or other State official or department where such securities belong to any person, firm, or corporation organized under the laws of the State of Texas; providing such money or securities shall be taxed at the residence of the person, the location of the firm, or the home office of the corporation owning same, and declaring an emergency."

S. B. No. 109, "An Act to amend Section 2 of an Act passed by the First Called Session of the Thirty-first Legislature, Chapter 8, Special Laws, entitled 'An Act to authorize, enable and permit the territory situated within the bounds of the city of Amarillo, in the county of Potter and State of Texas, and other land and territory adjacent thereto in Potter county, to incorporate as an independent school district for free school purposes only, to be known as the Amarillo Independent School District, with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only; and to provide for the election of trustees, raising of revenue by taxation, issuing of bonds, acquiring the property of and assuming the indebtedness of the Amarillo Independent School District, and of the Amarillo Independent School District within the city limits, and dissolving the Amarillo Independent School District within the city limits, and repealing Chapter 136, Acts of 1905, relating to the incorporation of the Amarillo In-

dependent School District, and declaring an emergency,' so as to add certain territory in Randall county, and declaring an emergency."

S. B. No. 105, "An Act to amend Section 14 of Chapter 23 of the Laws passed at the Regular Session of the Thirty-third Legislature, being an act creating a more effective road system for Scurry county, Texas, making county commissioners ex officio road commissioners for their respective precincts, prescribing their powers and duties, providing for their compensation, etc., so that said Section 14 of said act shall hereafter read as set out below, and declaring an emergency."

S. B. No. 108, "An Act to amend Section 1, Chapter 189, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-fifth Legislature of the State of Texas, 1917, relating to official shorthand reporters' compensation in Dallas county."

H. B. No. 165, "An Act providing for the redemption, by the owner, of land or lots heretofore sold, or that may be hereafter sold, to the State, city or town for taxes, and repealing all laws in conflict with this act, and declaring an emergency."

S. B. No. 115, "An Act making an appropriation of \$350,000, or so much thereof as may be necessary, out of the general revenue or any other available funds, for the purpose of providing for the pay, transportation, subsistence and all other expenses of the military forces of the State when ordered on duty or when mobilized, or when recruiting and organizing troops, or when ordered on other military duties; providing for the pay, transportation and expense of officers on active duty or while serving on military courts or boards; providing for mileage and per diem and expenses of witnesses appearing before military courts and boards; providing for armory and storage facilities and organizations; providing for training, organizing, mobilizing and subsisting, paying equipping, preparing for muster into and out of Federal service; providing for organizing, maintaining and equipping school of instruction for officers and enlisted men; providing for books and supplies; providing for necessary chemical assistance and labor storage rooms; arsenals, armories, and headquarters; providing for transportation or storage and supplies and laundry and repair of uniforms and equipments, and for hire, purchase, transportation and subsistence of ani-

mals, and for printing, stationery, postage, telephoning, telegraphing and for purchase of stores, supplies, uniforms, arms and equipment, and declaring an emergency."

S. B. No. 97, "An Act granting permission to A. E. Masterson to bring suit against the State of Texas in the district court of Brazoria county, Texas, for rents claimed to be due the said A. E. Masterson for rents on lands situated in Brazoria county, Texas, which lands were cultivated during the year 1917 by the Board of Prison Commissioners, and declaring an emergency."

S. C. R. No. 10, Relating to sale of State iron industry property at Rusk Penitentiary.

S. C. R. No. 11, Providing for printing report of committee to investigate State departments, etc.

S. C. R. No. 12, Tendering use of Camp Mabry to Board of Regents of the University of Texas.

S. B. No. 20, "An Act to provide for the teaching of lessons in patriotism in the public schools of the State, for the proper display of the United States flag in connection with every public school of the State, and directing the State Superintendent, county and city superintendents in the discharge of their duty relative thereto."

S. B. No. 29, "An Act fixing the salary of the Adjutant General and making an appropriation of \$7200, or so much thereof as may be necessary, out of moneys in the State Treasury for the years ending August 31, 1918, and August 31, 1919; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 92, "An Act providing for additional compensation for district attorneys and county attorneys performing the duties of district attorneys in counties containing cities of 35,000 inhabitants and over, and where army posts are now located, according to the last Federal census in prosecutions of violations of what is known as the 'Ten Mile Zone Law,' and in investigations before grand juries, and declaring an emergency."

H. C. R. No. 9, Providing for sale of box factory at Rusk Penitentiary.

H. B. No. 130, "An Act to amend Article 3944 of the Revised Statutes of the State of Texas, 1911, as amended by an Act passed at the Regular Session of the Thirty-fifth Legislature, approved March 30, 1917, being Chapter 154 of the Acts of said Session relating to forcible

entry and detainer and to the issuance of citation and the service thereof and the giving of bond by plaintiffs and defendants in suits of that character; providing, that in case the plaintiff shall file a bond in an amount to be fixed by the justice of the peace issuing such citation he shall be placed in possession of the property unless the defendant shall within six days from the service of citation execute and deliver to the officer serving such citation a bond in a sum at least double the amount of the bond given by the plaintiff, to be approved by said officer, and conditioned that the defendant, in case judgment is rendered against him, will pay all costs of suit and a reasonable rental or value of the use of the property to the time of making such bond, and also the reasonable value or rental of same while the suit is pending and until it is finally disposed of, and declaring an emergency."

H. B. No. 52, "An Act to amend Article 889, passed at the Regular Session of the Thirty-fourth Legislature, amending Chapter 6, Title 13 of the Penal Code of 1911, and which amendment relates to the closed season for killing doves, and declaring an emergency."

H. B. No. 109, "An Act providing for reports of receipts and disbursements by candidates and their campaign committees in primary elections; limiting their expenses and specifying purposes for which such disbursements may be made; defining violations of this act, and providing penalties therefor; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 63, "An Act abolishing the State Highway Commission of three members and vesting the management and control of the State Highway Department in the Railroad Commission of the State of Texas to be administered as a bureau of said Commission; providing for the election by the Commission, with the consent of the Senate, of a secretary of the State Highway Bureau, who shall have administrative control of the highway bureau, under the direction and supervision of the Railroad Commission; fixing the term of office of the secretary; providing for the filling of vacancies therein; prescribing that such secretary shall take the constitutional oath and execute bond; fixing the salary of such secretary and prescribing how the same shall be paid; fixing the salary of the State Highway Engineer and prescribing how the same shall be paid; providing for the publication and distribution of lists of registered motor vehicles in their nu-

merical order; providing that all applications for registrations and license of motor vehicles, motorcycles, manufacturers, dealers and chauffeurs shall hereafter be filed with the collector of taxes for the county of the residence of the applicant and that all license fees be paid to such tax collector; providing that the tax collector shall make weekly remittance to the State Highway Bureau of one-half of the gross registration fees collected, the remaining one-half to be deposited in the county depository; providing that the tax collector shall forward to the State Highway Bureau a list certified to by him of all registrations of motor vehicles and chauffeurs and dealers and for registration thereof by the Highway Bureau and the distribution of number plates and seals; providing for deposit of funds coming into the hands of the State Highway Bureau in the State Treasury; creating a special fund known as the State Highway fund, and providing for its distribution; making an appropriation of the State Highway fund for the two years beginning June 22, 1917; providing this act shall be cumulative of all highway laws except where in conflict herewith, and declaring an emergency."

RECESS.

On motion of Mr. Holaday, the House at 6:15 o'clock p. m., took recess until 9:30 o'clock a. m., tomorrow.

TWENTY-THIRD DAY.

(Continued.)

(Wednesday, March 27, 1918.)

The House met at 9:30 o'clock a. m. and was called to order by the Speaker.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 26, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 114.

Respectfully,

J. B. BENNETT,

Assistant Secretary to the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 99.

Mr. Mendell called up for consideration at this time, the report of the Free Conference Committee on House bill No. 99.

The Speaker laid the report before the House, and it was read as follows:

Austin, Texas, March 27, 1918.

Hon. E. A. Decherd, President of the Senate, and Hon. F. O. Fuller, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee on House bill No. 99, have had under consideration the said bill, with the amendments thereto, as adopted in the Senate, and recommend the following:

That the House concur in the Senate amendment regarding the Deaf, Dumb and Blind Institute for Colored Youths.

That the House concur in the Senate amendment striking out all appropriations for the State Lunatic Asylum at Austin.

That the Senate recede from its amendment striking out an additional appropriation for increase in the salaries of four night watchmen for the Superintendent of Public Buildings and Grounds.

That the Senate recede from its amendment striking out the appropriation for salary of engineer in the new Land Office Building, and that said item in the House bill be so amended that the sum of \$1200 shall be and is appropriated to pay the salary of the engineer, provided that such salary shall be \$100 per month only and shall begin from the acceptance of said building by the State.

That the House concur in the Senate amendment to the item of \$150,000 to be refunded to liquor dealers.

That the Senate recede from its amendment striking out the appropriation of \$24.90 to be paid C. W. Carlisle, sheriff of Liberty county.

That the House concur in Senate amendment striking out \$55 for J. M. Hodge.

That the House concur in Senate amendment striking out \$18,000 for the State Quarantine Station at Sabine, Texas.

That the House concur in the Senate amendment striking out \$2400 to build a pipe line from the State Lunatic Asylum to the Blind Institute.

That the House concur in Senate amendment striking out \$450 for W. D. Dodd.

That the House concur in Senate amendment striking out the claim of \$108 for J. A. Brewer of Blossom, Texas.

That the Senate recede from its amendment allowing only \$1000 for the State Department of Public Instruction, and the item as passed by the House remain in the bill.

That the Senate recede from its amend-